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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

**JOHN HILBURN DAVIS, IV,

Debtor.**

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**Case No. 21-10970-HCM

Chapter 7**

**SECOND UNOPPOSED MOTION FOR ENTRY OF AGREED ORDER
EXTENDING CERTAIN DEADLINES**

Buaite Againn, LLLP (“Buaite Againn”), Ron Satija, chapter 7 trustee of the estate of John Hilburn Davis, IV (the “Chapter 7 Trustee”), and the United States Trustee for Region 7, Austin Division (the “U.S. Trustee”, and collectively, the “Parties”), by and through their undersigned counsel and together with confirmation from counsel for John Hilburn Davis, IV (“Debtor”) that the Motion is unopposed,¹ file this Second Unopposed Motion for the entry of the proposed order attached hereto as **Exhibit 1**, seeking further extension of the deadlines by which the Parties may seek relief pursuant to 11 U.S.C. §§ 522, 523, and 727. In support thereof, the Parties state as follows:

¹ The Debtor, in confirming that the Motion is unopposed, is not consenting to substantive relief under §§ 522, 523, or 727 of the Bankruptcy Code.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334 and venue is proper pursuant to 28 U.S.C. § 1408.

2. Pursuant to the standing *Order of Reference of Bankruptcy Cases and Proceedings* entered on October 4, 2013, by the United States District Court for the Western District of Texas, the District Court has referred all bankruptcy cases to the Bankruptcy Court for initial determination, as permitted by 28 U.S.C. § 157(a).

3. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (O).

FACTUAL AND PROCEDURAL BACKGROUND

4. Debtor filed his petition for relief under chapter 7 of title 11 of the United States Code (the “Bankruptcy Code”) on December 16, 2021 (the “Petition Date”). *See* Docket No. 1.

5. The first meeting of creditors (the “341 Meeting”) was commenced on January 20, 2022, was continued thereafter to February 10, 2022, and was finally concluded on March 3, 2022. *See* Docket Nos. 2, 17, 23, and 31.

6. The Chapter 7 Trustee filed his *Trustee’s Request for Notice of Assets* on February 2, 2022. *See* Docket No. 21.

7. On March 14, 2022, Buaite Againn filed its *Unopposed Motion for Entry of Agreed Order Extending Certain Deadlines*. *See* Docket No. 41.

8. On March 15, 2022, this Court entered an Order extending the deadline for the Parties to seek relief under § 522 through May 15, 2022, and the deadline for the Parties to seek relief under either §§ 523 and 727 through June 10, 2022 (the “Objection Deadlines”). *See* Docket No. 42.

9. On March 21, 2022, Buaite Againn filed a *Notice of Rule 2004 Examination* and issued a subpoena for deposition testimony and production of documents by Digital Brands Group, Inc. (“DBGI”). *See* Docket No. 49. Service was effected via the registered agent for DBGI on the same date, as reflected in the *Affidavit of Service*, filed on March 24, 2022. *See* Docket No. 50.

10. The deadline for DBGI to produce the documents requested was April 13, 2022. As of this filing, a substantial number of the documents that were subpoenaed from DBGI have yet to be produced.

11. The Rule 2004 examination of DBGI was scheduled on April 21, 2022, on which date and by agreement, the designated representative of DBGI appeared and confirmed that the examination would be resumed on May 26, 2022.

12. To allow the Parties to determine whether to seek relief under §§ 522, 523, or 727 of the Bankruptcy Code, they request additional time to obtain and review information and to further investigate and evaluate whether or not grounds may exist for relief under one or more of those provisions.

RELIEF REQUESTED

13. The Parties request that the Court extend the date by which the Parties may timely seek relief under § 522 from May 15, through July 15, 2022. The Parties further request that the Court extend the date by which the Parties may timely seek relief under either §§ 523 or 727 from June 10, through August 12, 2022.

BASIS FOR RELIEF

14. Under Bankruptcy Rule 4003, an objection seeking relief under § 522 must be filed no later than 30 days after the meeting of creditors held under § 341(a) is concluded. However,

the Court may, for cause, extend that deadline if a request is filed before the expiration of that period.

15. Under Bankruptcy Rule 4004, a complaint regarding relief under either §§ 523 or 727 must be filed no later than 60 days following the first date set for the meeting of creditors under § 341. However, the Court may, for cause, extend that deadline if a motion is filed before the expiration of that period.

16. The Parties have timely requested (and the Debtor does not oppose) extensions of the deadlines as set forth above to allow the Parties additional time to obtain and review information and to further investigate and evaluate whether or not grounds may exist for the relief noted above.

17. The Debtor specifically waives any and all right or ability to assert or argue that a motion or complaint filed by any Party is untimely or barred if such motion or complaint is filed within the extended deadlines requested herein.

NOTICE

Notice of this Second Unopposed Motion was provided to: (a) the Debtor; (b) the Debtor's counsel; (c) the Parties; and (d) all parties that have requested or receive notice through CM/ECF. In light of the nature of the relief requested, the Parties and the Debtor request that the Court find the notice provided for herein sufficient under the circumstances and waive and dispense with any further notice requirements.

WHEREFORE, the Parties request the entry of an order:

- a. Extending the date by which the Parties may timely seek relief under § 522 through July 15, 2022;
- b. Extending the date by which the Parties may timely seek relief under either §§ 523 and 727 through August 12, 2022; and
- c. Granting such further relief as the Court deems just and proper.

Dated: May 3, 2022

Respectfully submitted:

/s/ John D. Penn

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Unopposed:

/s/ E. P. Keiffer

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served via the Court's Electronic Case Filing system to all parties authorized to receive notice in this case on this 3rd day of May 2022.

/s/ John D. Penn

John D. Penn

EXHIBIT 1
Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

JOHN HILBURN DAVIS, IV,

Debtor.

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Case No. 21-10970-HCM

Chapter 7

SECUND UNOPPOSED ORDER EXTENDING CERTAIN DEADLINES

On the date shown herein, the Court considered the Second Unopposed Motion for Entry of Agreed Order Extending Certain Deadlines (“Motion”). The Court, after considering the Motion and the Debtor’s consent to the relief requested therein finds that and the Parties and the Debtor (as those terms are defined in the Motion) have agreed to further extend the date by which the Parties may timely seek relief under § 522 through July 15, 2022, and the date by which the

Parties may timely seek relief under either §§ 523 or 727 through August 12, 2022 and concludes that granting the Motion is appropriate.

IT IS THEREFORE ORDERED THAT:

1. The date by which the Parties may timely seek relief under § 522 is further extended through July 15, 2022.
2. The date by which the Parties may timely seek relief under either §§ 523 or 727 is further extended through August 12, 2022.
3. The relief granted herein does not extend to any creditor that is not included among the Parties.
4. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

END OF ORDER

Submitted by:

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